

Alaska Electrical Pension Fund respectfully submits this response to the Notice of New Supplemental Authority filed by Municipal Employees' Retirement System of Michigan (Dkt. No. 44). A cursory review of the Order confirms that the court in that case "blindly accept[ed]" the longer class period simply because it "encompasses more potential class members and damages" – precisely what Judge Ellison warned against. *Compare In re BP, PLC Sec. Litig.*, 758 F. Supp. 2d 428, 434 (S.D. Tex. 2010) with Dkt. No. 44-2 at 9.¹ Moreover, and unlike here, it was not alleged that MERS' counsel's movants were not even class members in the original period in *Hom v. Vale S.A.* Stated differently, *Hom* does not support MERS' motion in this Court.

DATED: March 9, 2016

Respectfully submitted,

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¹ Notably, *Hom* also does not cite *Berger v. Compaq Computer Corp.*, 257 F.3d 475, 484 (5th Cir. 2001).

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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 9, 2016.

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